

**AMENDMENTS TO THE DRAWINGS:**

Please replace original Drawing Sheet One (1) showing FIG. 1 with the attached new Drawing Sheet One (1) illustrating FIG. 1 and showing the “drawn cup roller clutches” 18 according to Claim 3.

Attachments:           New Drawing Sheet One (1).

## **REMARKS**

Reconsideration of this Application is respectfully requested. Pursuant to the present Office Action, Claims 1-6 are amended and Claim 8 is cancelled, collectively, without prejudice or disclaimer. New Claims 9-13 are added. Claims 1-7 and 9-13 are in this case.

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Initially, in the Office Action, the Examiner acknowledged Applicants' election, without traverse, of the invention of Group I (Claims 1-7) in Applicants' reply filed on November 13, 2006. Also, he indicated that the non-elected claim, i.e., Claim 8, has been withdrawn from further consideration in accordance with 37 C.F.R. § 1.142(b), there being, says the Examiner, no allowable generic or linking claim.

Next, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for allegedly omitting to show every feature of the invention as is specified in the claims. More specifically, the Examiner asserts that the "member" in Claim 2 for preventing the rubber covered rollers from rotating, and the "drawn cup roller clutches" in Claim 3, must either be shown in the drawings or the feature(s) cancelled from the claims. The Examiner advised that corrected drawing sheets in compliance with 37 C.F.R. § 1.121(d) are required in reply to the Office Action to avoid abandonment of the Application, and noted that no new matter may be added.

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In response, Applicants attach hereto a Replacement Drawing Sheet One (1) to be substituted for original Drawing Sheet One (1) illustrating FIG. 1 in the captioned Application. Replacement Sheet One (1) more clearly shows the assembly of FIG. 1 with

“drawn cup roller clutches” 18 according to Claim 3. We respectfully submit that such drawing sheet is added to this Application, without prejudice or disclaimer. In accordance with new FIG. 1, Applicants have also amended the Specification, on page 6, line 21, to delineate - - clutches 18, shown in dashed lines in FIG. 1 - - rather than “clutches, not shown in the figures”. No new matter has been added.

Withdrawal of the Examiner’s objection is, therefore, respectfully requested.

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The Examiner then rejected Claims 1-7 under 35 U.S.C. § 112, second paragraph, for indefiniteness, i.e., allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner takes the position, with respect to Claim 1, that (i) use of the pronoun “it” on lines 2 and 7 is improper for purportedly failing to distinctly claim the subject matter, and (ii) the language “the goods/products to be wrapped” on lines 2 and 3 lacks proper antecedent basis. Referring to Claim 2, the Examiner asserts that (i) Applicants’ use of the pronoun “them” on lines 4 and 5 is improper for allegedly failing to distinctly claim the subject matter, and (ii) the language “to the one” on line 5 purportedly renders the claim vague and indefinite. As for Claim 4, the Examiner states that use of the pronoun “it” on line 4 is improper as such fails to distinctly claim the subject matter. The Examiner states that these and any other informalities should be corrected so that the claims may particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

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Applicants have undertaken to amend the claims, accordingly, (i) replacing “the goods/products to be wrapped” with - - goods/products to be wrapped - - and substituting - - film - - for “it” in Claim 1; (ii) replacing “between them” with - - there between - - and substituting - - the rollers - - for “them” in Claim 2; and (iii) replacing “to the one” with - - to the direction - - and substituting - - upon leaving - - for “as it leaves” in Claim 4.

Withdrawal of the rejections under 112, second paragraph, is, therefore, requested.

\* \* \* \* \*

In addition, the Examiner rejected Claims 1 and 7 under 35 U.S.C. § 102(b) for being anticipated by Decanini, European Patent Application No. 0,136,982. Regarding Claim 1, the Examiner takes the position that Decanini discloses an assembly comprising a member 3 for controlling forward movement of film C downstream of spool 1 and a cutter 7 for lacerating the film, arranged downstream of control member 3. The assembly, says the Examiner, is characterized in that, downstream of the cutter, a member 5 is provided for preventing the return of the film in the direction opposite to the one in which it leaves the assembly. The Examiner directs Applicants, in this regard, to the paragraphs at the top of pages 3 and 7 of Decanini.

Regarding the language in Claim 1, “for unrolling stretch film from a spool and pre-stretching the film as it is fed from the assembly towards the goods/products to be wrapped”, such, says the Examiner, is found in the preamble and is a statement of intended use only. In support of his position, the Examiner cites Case Law which, according to the Examiner, has held that a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of

a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. The Examiner comments *inter alia* that where the preamble to the claim was expressly or by necessary implication given the effect of a limitation, the introductory phrase was deemed essential to point out the invention defined by the claim, the preamble purportedly being considered necessary to give life, meaning and vitality to the claims.

With respect to Claim 7, the Examiner argues that cutter 7 and return preventing member 5 of Decanini are supported by a frame (purportedly inherent in the structure). The language “that is detachable from the rest of the assembly” is considered by the Examiner to be functional language without any structural basis in the claim. Furthermore, the Examiner states that structural and mechanical elements are always “detachable” from one another.

Thereafter, the Examiner rejected Claims 2 and 3 under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over Decanini in view of Bozza, U.S. Patent No. 4,509,314. According to the Examiner, with reference to Claim 2, the assembly of Decanini already discloses that rollers 5 rotate in opposite directions, arranged in contact with each other in such a way as to allow film C to pass between them and provided with a member (allegedly inherent in that they are unidirectionally rotated) for preventing them from rotating in the direction opposite to the one in which the film leaves the assembly. The Decanini assembly, the Examiner acknowledges, discloses all of the subject matter described in Claim 2, except for a return preventing member (i.e., rollers 5) which comprise a pair of rubber-covered rollers. The Examiner then looked to Bozza

which, he says, teaches that it is old and well-known in the relevant art to provide a pair of unidirectionally rotated rubber covered rollers (15, 15') to draw in film, in one direction, and prevent the film from returning in the opposite direction. The Examiner directs Applicants, in this regard, to the paragraph of Bozza bridging columns 4 and 5.

The Examiner concludes that it would have been obvious to one having ordinary skill in the art, at the time Applicants' invention was made, to have modified Decanini with rollers 5 that are rubber covered, as purportedly taught by Bozza, on grounds that the substitution of one and old structure for another is routine when it is for the same purpose.

As to Claim 3, the Examiner states that while neither Decanini nor Bozza specifically mention that the unidirectional rotation is based on providing rollers that are mounted on drawn cup roller clutches, Official Notice is taken that the use of drawn cup roller clutches is "notoriously" old and well-known in the art as a means for providing unidirectional motion for rollers. The Examiner then found that it would have been obvious to one having ordinary skill in the art, at the time Applicants' invention was made, to have further modified the Decanini assembly by providing rollers 5 that are mounted on drawn cup roller clutches as a well-known structure for providing unidirectional rotation.

Last, the Examiner rejected Claims 4 and 6 under 35 U.S.C. § 103(a) as obvious and, therefore, unpatentable over Decanini in view of Hyer et al., U.S. Patent No. 3,250,053. More particularly, the Examiner asserts that the assembly of Decanini discloses that cutter 7 includes a blade 7a. He admits, however, that Decanini does not disclose that the cutter comprises an arm hinged at an intermediate position in such as

way as to be able to undergo an angular displacement in a plane crossing the plane in which the film lies as it leaves the assembly. He also acknowledges that Decanini does not describe a blade projecting transversely from one end of such arm where the arm is capable of moving angularly between an operative position, in which the blade perforates the film, and a stowed position, in which the blade does not interfere with the film, where there is further provided an actuator for controlling the angular displacement of the arm.

The Examiner then looked to the teachings of Hyer et al. for allegedly disclosing that it is old and well-known in the relevant art to provide a cutter (in FIGS. 4 and 5) that comprises an arm 82c hinged at an intermediate position (at 82k) in such a way as to be able to undergo an angular displacement in a plane that crosses the plane in which film 28a lies as it leaves the assembly. The Examiner also looks to Hyer et al. for allegedly teaching (i) a blade 82e projecting transversely from one end of arm 82c, such arm being capable of moving angularly between an operative position, in which the blade perforates the film, and a stowed position, in which the blade does not interfere with the film, and (ii) an actuator AC2 for controlling the angular displacement of the arm (the Examiner referring to column 3, lines 15-41).

Based on the foregoing, the Examiner determined that it would have been obvious to one having ordinary skill in the art, at the time Applicants' invention was made, to have modified the assembly of Decanini by substituting the cutter comprising an arm hinged at an intermediate position in such a way as to be able to undergo an angular displacement in a plane crossing the plane in which the film lies as it leaves the assembly, and a blade projecting transversely from one end of the arm, where such arm is capable of moving angularly between an operative position, in which the blade perforates

the film, and a stowed position, in which the blade does not interfere with the film, and where an actuator is further provided for controlling angular displacement of the arm, as allegedly taught by Hyer et al., for the reciprocating blade of Decanini. The Examiner explains that the substitution of one old and well-known structure for another is routine for a skilled artisan when the function of those structures is the same.

As for Claim 6, the Examiner takes the position that Hyer et al. (FIGS. 4 and 5) show an arm 82c with blade 82e and actuator AC2 housed in a casing (purportedly defined at 44, 50 and 90) in which a slot (at column 6, lines 63-71) is formed for permitting the blade to project at least partially from the casing in the cutting position. He then concludes that it would have been obvious to one having ordinary skill in the art, at the time Applicants' invention was made, to have further modified Decanini's assembly by including a casing in which a slot is formed to allow the blade to project, at least partially, from the casing in the cutting position, as allegedly suggested by Hyer et al., for "obvious" safety reasons.

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Applicant, however, respectfully disagrees with the Examiner's reading and application of the cited references.

Briefly, Applicants' invention relates generally to *stretch film* and, more particularly, to an apparatus that unrolls stretch film from a spool and *pre-stretches* the film for wrapping goods/products. Applicants' invention is particularly advantageous in *maintaining the stretch film a "pre-stretched condition" during operation.*

This, we respectfully submit, is completely contrary to both Decanini and Hyer et al. who teach arrangements for handling paper-like materials. Although the Bozza

reference concerns the handling of a heat sealing plastic band, such is entirely distinct and different from stretch film. Further in this regard, Bozza does not disclose nor does he suggest that his “heat sealing plastic band” has stretch properties, not to mention those particularly characteristic of stretch film, which is a basis of Applicants’ invention.

Moreover, neither Decanini, Hyer et al., nor Bozza disclose or suggest the pre-stretching of wrapping materials, nor do they even express any concern about or indicate a need for preventing, upon cutting, the return of the elastic film, which then bundles up and adheres to itself. As none of these references concern stretch film, we respectfully submit, they do not and simply cannot address the bundle up and self-adherence problems which, we submit, do not exist with paper-like materials and rigid plastic bands.

Indeed, Applicants’ cutter creates only a perforation limited zone that *necessarily* provides the film with sufficient integrity so that the film (i.e., at least the perforated zone) can be fed *through and past the return prevention member* (e.g., rollers 11) that is *continuously engaging* the film.

Only after complete severing of the film has been achieved does the film end remain engaged between the rollers (i.e., the return prevention member) when the wrapped portion is separated. Thus, elastic return of the severed film is prevented.

Although Decanini discloses that the “return prevention member-rollers 5 that are open during the feeding of the material C from the spool 1 and the cutter 7, 7A, 7B that performs a complete severing, at page 3, second paragraph and page 7, last three lines of the first paragraph”, this is only one step of complete cutting/severing of the material so as to provide a determined length of wrapping material. In addition, this step necessarily

requires that the cut film end be re-fed between the rollers 5 for a new wrapping cycle. Thus, Decanini's rollers are deemed suitable only as an aid for wrapping a rigid plastic band when the band is engaged-pressed between the rollers and when the band has already been completely cut/severed, again contrary to Applicants' invention.

Hence, Applicants respectfully request that the Examiner's rejections under §§ 102(b) and 103(a) be withdrawn.

\* \* \* \* \*

Although Claim 5 is objected to for depending from a rejected base claim, i.e., Claim 1, the Examiner states that this Claim would be allowable if rewritten to overcome the aforementioned rejections under § 112, second paragraph, and to include all of the limitations of the base Claim, i.e., Claim 1, and any intervening claims, namely, Claim 4.

In the interest of minimizing the number of Independent Claims, rather than placing Claim 5 in independent form to include all of the limitations of Claims 1 and 4, Applicants have undertaken to amend Independent Claim 1, without prejudice or disclaimer, to include all of the limitations of Dependent Claims 4 and 5. As Claims 2, 3 and 7 also depend from Claim 1, Claims 1-3 and 7 are likewise considered in condition for allowance. Notably, "member" in Claims 2 and 3 has been changed to - - system - - for proper antecedent basis, without prejudice or disclaimer.

Claim 8, having been withdrawn from consideration previously by the Examiner, is now cancelled, without prejudice or disclaimer.

Additionally, Applicants have undertaken to add new Claims 9-13 for consideration on the merits. As the subject matter of Claim 4 has been added to Claim 1, rather than cancel Claim 4, Applicants have amended that Claim to depend from new

Claim 9. Similarly, Claims 5 and 6, which depend from Claim 4, now depend indirectly from new Claim 9 rather than Claim 1.

In addition, Applicants have undertaken to amend the Specification and the Claims, without prejudice or disclaimer, to further comport with U.S. practice and, in so doing, to better define the invention without limiting effect.

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Applicants respectfully submit that none of the cited references, whether taken alone or in any combination, disclose or suggest Applicants' invention, as claimed. Withdrawal of the Examiner's objections and his rejections under §§ 102(b), 103(a) and 112, second paragraph, is, therefore, respectfully requested.


Applicants have made a good faith attempt to place this Application in condition for allowance. Favorable action is requested. If there is any further point requiring attention prior to allowance, the Examiner is asked to contact Applicants' counsel at (646) 265-1468.

Respectfully submitted,

Dated: July 30, 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope with sufficient postage addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on July 30, 2007  
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## **APPENDIX**